

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

ROBERTO GARCIA RAMIREZ,
Petitioner.

No. 2 CA-CR 2015-0107-PR
Filed April 22, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Yuma County

No. S1400CR200800849

The Honorable Maria Elena Cruz, Judge

REVIEW DENIED

Roberto Garcia Ramirez, Florence
In Propria Persona

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

ECKERSTROM, Chief Judge:

¶1 Roberto Ramirez seeks review of the trial court’s order summarily denying his of-right petition for post-conviction relief filed pursuant to Rule 32, Ariz. R. Crim. P. For the reasons that follow, we deny review.

¶2 Ramirez pled guilty to second-degree murder and was sentenced to a stipulated, aggravated prison term of twenty-two years. Ramirez sought post-conviction relief, and assigned counsel filed a petition and supplements claiming: (1) trial counsel was ineffective for failing to seek dismissal of sentence enhancements and by “allowing” Ramirez to plead guilty “and be sentenced pursuant to the illegal sentencing enhancement”; (2) the court ignored at sentencing an evaluation done pursuant to Rule 26.5, Ariz. R. Crim. P.; and (3) Ramirez, due to cognitive limitations, did not understand “his options regarding the rights he was waiving” by pleading guilty.

¶3 Counsel, however, later filed a notice stating he had found no viable claims to raise in post-conviction proceedings, and asking that Ramirez be permitted to file a pro se petition. The court granted that motion, and Ramirez filed a pro se petition and supplement claiming: (1) his sentence was improper because the trial court’s finding of aggravating factors violated *Blakely v. Washington*, 542 U.S. 296 (2004), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000); (2) he was not informed of his right to a jury determination of aggravating factors, thereby rendering his guilty plea involuntary; and (3) trial counsel was ineffective for failing to raise these issues and by failing to ensure Ramirez understood the nature of the proceedings in light of his “limited intellectual

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capacity.” The trial court, addressing the issues raised by counsel and by Ramirez, summarily denied relief. This petition for review followed.

¶4 On review, Ramirez restates his claims that counsel was ineffective for “allowing” him to plead guilty despite his purported cognitive deficits and that his aggravated sentence violated *Blakely* and *Apprendi*. But he has not identified any error in the trial court’s summary rejection of these claims. Nor has he cited relevant supporting authority or provided references to the record. See Ariz. R. Crim. P. 32.9(c)(1) (petition for review must comply with rule governing form of appellate motions and contain “reasons why the petition should be granted” and “specific references to the record”). His failure to meaningfully comply with Rule 32.9 justifies our summary refusal to grant review. See Ariz. R. Crim. P. 32.9(f) (appellate review under Rule 32.9 discretionary); see also *State v. French*, 198 Ariz. 119, ¶ 9, 7 P.3d 128, 131 (App. 2000) (summarily rejecting claims not complying with rules governing form and content of petitions for review), *disapproved on other grounds by Stewart v. Smith*, 202 Ariz. 446, ¶ 10, 46 P.3d 1067, 1071 (2002); cf. *State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument waives claim on review).

¶5 We deny review.